

In re Application of: Ernest GRIMBERG
Serial No.: 10/567,438
Filed: February 7, 2006
Final Office Action Mailing Date: May 19, 2009

Examiner: Yara B. GREEN
Group Art Unit: 2884
Attorney Docket: 31322

REMARKS

Reconsideration of the above-identified Application in view of the amendments above and the remarks following is respectfully requested.

Claims 62-72 and 74-81 are in this Application, of which claims 62, 74 and 79 are in independent form. Claims 62-72 and 74-81 have been rejected under 35 U.S.C. §103.

35 U.S.C. §103 Rejections

The Examiner rejected claims 62-64, 66, 67 and 71-73 under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 7,030,378 by Allen et al. (hereinafter Allen). The Examiner rejected claims 65, 68, 69, 74-80, 82 and 83 under 35 U.S.C. §103(a) as being unpatentable over Allen in view of EP Patent No. 0837600 by Tsuchimoto et al. (hereinafter Tsuchimoto). The Examiner rejected claim 70 under 35 U.S.C. §103(a) as being unpatentable over Allen in view of Tsuchimoto and further in view of US Patent No. 4,907,895 by Everest (hereinafter Everest). The Examiner rejected claim 81 under 35 U.S.C. §103(a) as being unpatentable over Allen in view of Tsuchimoto in view of US Patent No. 5,925,875 by Frey (hereinafter Frey).

Withdrawal of the above rejections is respectfully requested. The basis for this withdrawal request is that the primary reference, Allen, in all the above rejections, is not prior art in light of the Declaration under 37 C.F.R. §1.131 submitted herewith.

The filing date for US Patent No. 7,030,378 by Allen et al. is August 5, 2003.

Israeli Patent Application No. 157344, which is the priority document for the instant application, was filed on August 11, 2003, six days subsequent to the Allen et al. filing date.

In the Declaration under 37 C.F.R. §1.131 by Mr. Geoff MELNICK, submitted herewith, it is established that preparation of the priority application was diligently pursued by Mr. MELNICK from just prior to August 5, 2003, and until August 11, 2003, when the priority Israeli Application was filed. It is therefore

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submitted that Allen is not prior art relative to the instant application, and thus claims 62-72 and 74-81 are patentable.

In view of the above remarks it is respectfully submitted that claims 62-72 and 74-81 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Martin D. Moynihan
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Date: August 18, 2009

Enclosures:

- Request for Continued Examination (RCE); and
- Executed Declaration under 37 C.F.R. §1.131 of Mr. Geoff MELNICK (incl. Exhibits A-C)